618636 B: 827 P: 32 RES 04/13/2022 01:14:08 PM Page: 1 of 4 R 0.00 D Dallas Schroeder Recorder, Elbert County, Co

STATE OF COLORADO	}
	} ss
COUNTY OF ELBERT	}

## **RESOLUTION 22-13**

A RESOLUTION GRANTING INITIAL WARRANTY ACCEPTANCE OF COUNTY ROAD 178 WITH PRECONDITIONS FOR FINAL WARRANTY ACCEPTANCE

At a regular meeting of the Board of County Commissioners for Elbert County, State of Colorado, held at the Administrative Building in Kiowa on Wednesday, the 13<sup>th</sup> day of April A.D. 2022, there were present:

Chris Richardson Commissioner Chairman

Rick Pettit Commissioner
Grant Thayer Commissioner

Amanda Moore Deputy Clerk to the Board

WHERAS, County Road 178 (CR 178) has been inspected and reviewed by Elbert County for adherence to Section 200 of Elbert County's Roadway Construction Standards and Specifications, and

WHEREAS, Spring Valley Land Investments, LLC, a Colorado Limited Liability Company, and Spring Valley Ranch Metropolitan District No. 1, a quasi-municipal corporation and political subdivision of the State of Colorado, have completed construction of CR 178 in accordance with the approved engineering design in compliance with Section 200 of Elbert County's Roadway Construction Standards and Specifications, and has received all necessary construction and design approvals from local, state, and federal authorities, and

WHEREAS, Spring Valley Land Investments, LLC, a Colorado Limited Liability Company, and Spring Valley Ranch Metropolitan District No. 1, a quasi-municipal corporation and political subdivision of the State of Colorado have signed and executed the attached document which acknowledges CR 178 is the subject of unresolved litigation focused on the engineering, design, and safety features of CR 178 in Elbert County District Court case 2021CV3004 - Christopher Hatton et. al. v. Rory Hale, Director of Public Works et. al.; and

WHEREAS, Spring Valley Land Investments, LLC, a Colorado Limited Liability Company, and Spring Valley Ranch Metropolitan District No. 1, a quasi-municipal corporation and political subdivision of the State of Colorado have acknowledged a precondition for initial acceptance of CR178 is such that if Court Order in Elbert County District Court case 2021CV3004 requires mitigation, additional construction, or modification to the design of CR 178, final acceptance of CR 178 will not occur until such mitigation, additional construction, or modification to the design of CR 178 takes place, with sole financial responsibility for such being borne by Spring Valley Ranch Metropolitan District No. 1. and Spring Valley Land Investments, LLC; and

WHEREAS, Elbert County Public Works Road and Bridge Department staff, and the Director of Public Works have inspected CR 178, and recommend initial warranty of CR 178 under these conditions.

NOW, THEREFORE, BE IT RESOLVED THAT, by the Board of County Commissioners for the County of Elbert, State of Colorado, approves and authorizes this resolution for the purpose of Acceptance of CR 178 for Initial Warranty, with the condition that if Court Order in Elbert County District Court case 2021CV3004 requires mitigation, additional construction, or modification to the design of CR 178, final acceptance of CR 178 will not occur until such mitigation, additional construction, or modification to the design of CR 178 takes place, with sole financial responsibility for such being borne by Spring Valley Ranch Metropolitan District No. 1. and Spring Valley Land Investments, LLC, along with all other final warranty acceptance requirements in accordance with Elbert County road standards, and applicable regulations.

Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote:

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AYE

Chris Richardson, CHAIRMAN

Rick Pettitt, COMMISSIONER

Grant Thayer, COMMISSIONER

ATTEST: Dallas Schroeder COUNTY CLERK

Moundaum oose Date: 04-13-22
Amanda Moore - DEPUTY CLERK TO THE BOARD